

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cr-00286-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
JOSEPH LEE SCHAFFER,)
)
)
Defendant.)

ORDER

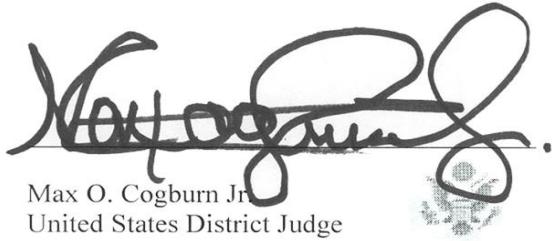
THIS MATTER is before the court on defendant's pro se Motion to Stay and Compel Service of the Response. Defendant first complains that he did not receive the government's Response to his Motion for Return of Seized Property and therefore did not have an opportunity to file a Reply. Assuming that defendant did not receive the Response before the court entered its Order granting and denying his motion in part, there simply is no harm as the Local Criminal Rules do not provide for a Reply. Further, a Reply would not have been helpful inasmuch as the issues are straight forward as the only property defendant may lawfully have returned at this point is property that no longer has evidentiary value, is not subject to the Consent Order and Judgment of Forfeiture, items which are not contraband, and/or items that do not contain unlawful materials or images. The court has given defendant all the relief that is possible and nothing in the instant motion reveals that the government has unlawfully kept any property. Indeed, it appears that defendant received this court's Order granting his requested relief as the instant motion contains the name of a third-party custodian he has designated to receive his property.

Finding no basis to either stay the court's earlier Order or compel the government to serve defendant when it has already certified that it has served defendant with such pleading, the relief requested will be denied. As a courtesy, the United States is requested to resend its Response to defendant.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se Motion to Stay and Compel Service of the Response (#43) is **DENIED**.

Signed: August 29, 2016



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, dark, circular ink stamp.

Max O. Cogburn Jr.
United States District Judge